

**REMARKS**

Claims 43 and 45-63 remain in this application. Claims 43 and 45 have been amended.

Reconsideration of the rejection of claims 43 and 45-55 under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 6,339,855 to Socha et al. ("Socha") is requested. It is believed that amended independent claims 43 and 45, and dependent claims 46-55, are not anticipated by Socha for the reasons given below.

Amended independent claim 43 is not anticipated by Socha because Socha does not disclose or suggest in any way, shape or form "crib structure having a pair of spaced apart end units, each of the end units having at least a portion positioned outside the periphery of the person support" in combination with "the crib structure having a plurality of crib rail assemblies positioned adjacent the sides and the ends of the person support, each of the plurality of the crib rail assemblies being movable vertically relative to the person support and relative to the end units." Specifically, Socha does not have "crib rail assemblies positioned adjacent ... the ends of the person support" which are "movable vertically relative to ... the end units." Thus, Socha's rail assemblies 3 adjacent the ends of his frame 4 are not "movable vertically relative to" the rail assemblies 3 adjacent the ends of the frame 4, which the Examiner says are the "spaced apart end units 3." Accordingly, withdrawal of the 35 U.S.C. 102(e) rejection of claim 43 is respectfully requested.

Amended independent claim 45, and dependent claims 46 -55 are not anticipated by Socha because Socha does not disclose or suggest in any way, shape or form "at least one of the crib rail assemblies being movable in a space defined between one of the end units and a corresponding end of the person support" Accordingly, withdrawal of the 35 U.S.C. 102(e) rejection of claim 45 and 56-55 is respectfully requested.

Reconsideration of the rejection of claims 56-63 as being unpatentable under 35 U.S.C. 103(a) over Socha in view of U.S. Pat. No. 2,486,466 to Davis ("Davis") is requested. It is believed that claims 56-63 patentably distinguish over Socha and Davis for the reasons given below.

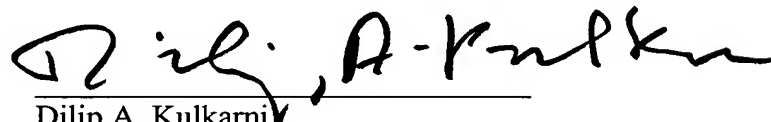
Claims 56-63 depend from claim 45, and, therefore, patentably distinguish over Socha for the reasons given above in support of claim 45. Specifically, claim 45 patentably distinguishes over Socha because Socha does not disclose or suggest in any way, shape or form

“at least one of the crib rail assemblies being movable in a space defined between one of the end units and a corresponding end of the person support” The foregoing deficiency of Socha is not overcome by Davis. Specifically, Davis does not disclose or suggest in any way, shape or form “at least one of the crib rail assemblies being movable in a space defined between one of the end units and a corresponding end of the person support” Accordingly, for these reasons, applicants respectfully submit that claims 56-63 patentably distinguish over Socha and Davis, and hence withdrawal of this 35 U.S.C. 103(a) rejection thereof is respectfully requested.

In view of the foregoing amendment and supporting remarks, the subject application is now deemed to be in condition for allowance, and such action is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for a prompt resolution of any outstanding issues.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages and other fees be charged, or any overpayment in fees be credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435, with reference to file 7175-73841.

Respectfully submitted,  
BARNES & THORNBURG

  
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